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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,616	12/19/2000	Lizy Kurian John	119927-1040	5809
44654	7590	07/05/2005	EXAMINER	
SPRINKLE IP LAW GROUP 1301 W. 25TH STREET SUITE 408 AUSTIN, TX 78705			PAN, DANIEL H	
			ART UNIT	PAPER NUMBER
			2183	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/741,616	JOHN ET AL.
	Examiner Daniel Pan	Art Unit 2183

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 14 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 September 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| <p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br/>Paper No(s)/Mail Date _____.</p> | <p>4)<input type="checkbox"/> Interview Summary (PTO-413)<br/>Paper No(s)/Mail Date. _____.</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____.</p> |
|---|---|

Art Unit: 2183

1. Claims 1-38 remain for examination. No change has been made to the claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 ,2,8-10,12-21 ,23-27,31 ,35-37,38 are rejected under 35 U.S.C. 102(a)(b) as being anticipated by Nakagawa et al. (5,651 ,123)
3. Claims 3 ,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (5,651 ,123) in view of Gupta et al. (5,490,280).
4. Claims 5,6,7,22,28, 29, 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (5,651,123) in view of Williams et al. (5,530,837).
5. Claims 11, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al. (5,651,123) in view of Kondo et al. (6,389,562).

6. The rejections are maintained and incorporated by reference the last Office action on 01/12/05.
7. The response and the affidavit on 04/14/05 have been fully considered but it is not persuasive.
8. In the remarks, applicant argued that :
  - a) the word "processor" is understood in the art to be a microprocessor ;
  - b) Nakagawa is directed to the resource outside the processor;
  - c) Nakagawa generates program addresses corresponding to locations in an instruction memory based on the pseudo-random number generator, not resource identifiers corresponding to one of the resources within the processor, as does the sequence generator
9. As to a) above, the applicant' specification only disclosed "in connection with microprocessor resource allocators" (page 3, line 2), but it does not necessarily mean that the resource is within a microprocessor. The teaching of applicant showed that the resource is within a processor (see claim 1) , not a microprocessor. No showing of applicant's disclosure has been found that teaches a resource within a microprocessor. Furthermore, applicant is reminded that unclaimed features cannot be used to overcome the prior art (e.g. see CCPA In re Lundberg & Zuslag, 113, USPQ 530, 534 (1957)). For example, nowhere does applicant claim recite a microprocessor, or the like. As to the dictionary cited by applicant, examiner don't think

he can read "processor" as a microprocessor specially when applicant is not teaching "within microprocessor" in the specification, nor claming a microprocessor.

10. As to b) See the discussions set forth in page 2, Paragraph 4 of the last office action on 01/12/05.

11. As to c), Nakagawa's program address is a resource identifier. (See applicant's disclosure in page 3, lines 11-20, see also the discussions set forth in page 2, Paragraph 4 of the last office action on 01/12/05).

12. Nakagawa et al. (5,651 ,123) , Gupta et al. (5,490,280), Williams et al. (5,530,837), Kondo et al. (6,389,562) have been cited to applicant in a previous action, therefore, copies of these patents are. not provided herein.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Computerhope is cited for the alternative meaning of a processor which is separated from main processor or CPU.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Pan whose telephone number is 703 305 9696, or the new number 571 272 4172. The examiner can normally be reached on M-F from 8:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chan, can be reached on 703 305 9712, or the new number 571 272 4162. The fax phone number for the organization where this application or proceeding is assigned is 703 306 5404.

Art Unit: 2183

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

## **21 Century Strategic Plan**

DANIEL H. PAN  
PRIMARY EXAMINER  
GROUP

